

STATE OF NEW HAMPSHIRE

WATER COUNCIL

DOCKET NO. 03-14 WC

APPEAL OF GERALD A. BELL

RECEIVED

APR 12 2004

UNANIMOUS REQUEST TO CONTINUE STAY

NOW COME the parties in the above entitled matter and request the Water Council to continue the stay of these proceedings and in support thereof say as follows:

1. That Gerald A. Bell has filed with the Merrimack County Superior Court a Petition For Declaratory Relief Pursuant To RSA 541-A:24 in the matter of Gerald A. Bell v. State of New Hampshire, Department of Environmental Services and which action has been assigned Docket No. 03-E-0457.
2. That Richard Cote, who has intervened in this proceeding, has also intervened in the Superior Court action referenced above.
3. That the Superior Court action had a return day of March 2, 2004.
4. That both the State of New Hampshire and Richard Cote have filed Appearances with the Court and have also now filed Answers with the Court.
5. That by notice dated April 6, 2004, a copy of which is attached, the Merrimack County Superior Court has scheduled a Case Structuring Conference for May 10, 2004 at 1:15 p.m.
6. That by Order dated January 6, 2004 the Water Council stayed these proceedings but scheduled a case status update for its regular April Council Meeting now scheduled for April 14, 2004 at 9:00 a.m.

7. That in light of the procedural status of the Superior Court action all parties agree that the stay of these proceedings as ordered on January 6, 2004 should remain in place pending the resolution of the declaratory judgment action now pending in the Merrimack County Superior Court.

WHEREFORE all parties request that the Water Council:

A. Continue the stay of proceedings as ordered on January 6, 2004 until such time as the declaratory judgment action is concluded.

B. For such further and other relief as may be equitable and just.

GERALD A. BELL

April 7, 2004

By: 

Michael P. Bentley
His Attorney

STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES

April 8, 2004

By: 

Jennifer J. Patterson
Its Attorney

RICHARD COTE

April 7, 2004

By: 

Thomas R. Hanna
His Attorney

pls. give
Bell DJ

THE STATE OF NEW HAMPSHIRE
Merrimack County Superior Court
163 N. Main Street
P. O. Box 2880
Concord, NH 03301 2880
603 225-5501

NOTICE OF STRUCTURING CONFERENCE

JENNIFER J PATTERSON ESQ
OFFICE OF ATTORNEY GENERAL
33 CAPITOL ST
CONCORD NH 03301

- 03-E-0457 - Gerald A. Bell v. State of N.H. Dept. of Environmental Serv.

The Court will conduct a CASE STRUCTURING CONFERENCE in this case at the Superior Court in Concord on: **May 10, 2004 at 1:15 pm.**

At least ten (10) days prior to the conference, all parties shall file summary statements necessary to support their respective claims, defenses or counterclaims. The summary statement shall be comprehensive and made in good faith, but shall not be admissible at trial.

Counsel, or parties if unrepresented, shall attend this conference and shall be prepared and authorized to:

1. discuss issues in the case;
2. set schedules for discovery and other case preparation;
3. discuss settlement of the case;
4. discuss Alternative Dispute Resolution;
5. set a trial date, if appropriate.

At or immediately after the Case Structuring Conference the Court shall issue a CASE STRUCTURING ORDER which may include:

- a. a referral to Alternative Dispute Resolution;
- b. a schedule for discovery and other case preparation, including deadlines for filing motions and pretrial statements; and
- c. dates for additional conferences, motion hearings, a Trial Management Conference, jury selection and trial.

Please advise clients, witnesses, and others that it is a class B felony to carry a firearm or other deadly weapon as defined in RSA 625:11,V in a courtroom or area used by a court.

All counsel are required to comply with RSA 508:4-e.

4/06/2004

BY ORDER OF THE SUPERIOR COURT
William McGraw, Clerk

cc: Michael P. Bentley, Esq.
Thomas R. Hanna, Esq.